No. R. 1700—L. R. 110-33-6, dated, Bangalore, 10th October 1933.

The accompanying report of the Inam Committee appointed for examining the existing conditions and prospects of tenants in inam and jodi villages and allied subjects, is published for general information. Those desirous of expressing their opinion on any of the subjects dealt with in the Report are requested to communicate the same to the Secretary to Government, Development Department within two months from the date of this notification.

By Order,
S. ABDUL WAJID,
Secretary to Government,
Development Department.

REPORT OF THE COMMITTEE CONSTITUTED IN GOVERNMENT ORDER, DATED 24—25th OCTOBER 1932 FOR EXAMINING THE EXISTING CONDITIONS AND PROSPECTS OF TENANTS IN INAM AND JODI VILLAGES.

Introductory.

The difficult question of the relationship between the inamdars and tenants has been frequently coming up before Government for consideration. It was urged in the Dasara Session of the Representative Assembly in 1914 that the law relating to the rights of the inamdars and tenants should be clearly defined, that Survey and Settlement should be compulsorily introduced into inam villages, and that the individual responsibility of the co-sharers for payment of jodi, etc., due on their shares should be strictly enforced. A Committee was appointed in 1915 and another again in 1916. Finding that their investigations were incomplete, Government appointed a Commission in 1918. This commission made elaborate enquiries, examined a large number of witnesses, both among the inamdars and tenants, and after careful consideration, submitted an exhaustive and interesting report to Government, covering practically the whole field of relationship between the inamdar and the tenant and the inamdar and Government. The orders of Government on their recommendations are contained in the Government Order No. 28-48—L. R. 482-17-42, dated 2nd July 1925. There was a representation by the Inamdars' Association for a modification of this order in several respects on the ground that the rights of inamdars had been severely curtailed by it. Government passed orders in consultation with the Revenue Commissioner, in Government Order No. R. 4306-26—L. R. 126-25-7, dated 22nd January 1927, modifying in some respects the orders of 1925. Almost all the amendments proposed as a result of these two orders have been incorporated in the Land Revenue Code.

2. In spite of the action taken in the past, the relationship between the inamdars and their tenants does not seem to have improved to any appreciable extent. There is still a feeling on the part of the tenants that their position is insecure, that their lot is not as happy as that of raiyats in Government villages and that they have not been properly looked after by the inamdars. On the other hand, the inamdars complain that the tenants are very irregular in payment of rent, force the inamdars frequently to civil litigation for its recovery and that they set up kadim tenancy rights where they do not really exist.

3. Mr. D. H. Chandrasekhariah, Member from the Chitaldrug District, moved the following resolution in the Legislative Council on 20th June 1932:—

"That this Council recommends to the Government of His Highness the Maharaja that a mixed Committee of officials and non-officials be constituted with a view to study the existing conditions and prospects of tenants of Inam and Jodi villages of the State and to recommend suitable measures for their amelioration and improvement."

Government accepted the resolution and appointed a Committee in Government Order No. R. 2072-9—L. R. 469-31-4, dated 24—25th October 1932, with the Revenue Commissioner as Chairman and the marginally noted gentlemen as members. The Deputy Superintendent of Revenue Survey was appointed Secretary. The terms of reference to the Committee are as follows :—

The Deputy Commissioner, Bangalore District (Mr. K. V. Anantaraman).
The Deputy Commissioner, Mysore District (Mr. C. S. Kuppuswamiengar.)
Mr. B. K. Garudachar.
„ K. Chengalaraya Reddy, B.A., B.L.
„ D. H. Chendrasekhariah, B.A., LL.B.

(1) To examine the rights and liabilities of inamdars and their tenants under the existing law and to make recommendations with regard to the improvement of the position of the tenants *vis-a-vis* of the landlord.

(2) To examine the question as to whether the provisions regarding the taking of villages under Government management are sufficient, and how they can be extended.

(3) To examine the desirability of undertaking legislation to enable Government to acquire the rights of inamdars for payment in cash or award of compensation in any other manner.

4. There has been no change in the personnel of the Committee, but the Secretary had to be changed in the month of June 1933 as the services of Mr. S. N. Appanna Iyengar, B.A., B.L., Deputy Superintendent of Survey, who was appointed as General Secretary to Government, were not available to the Committee. On the recommendation of the Chairman, Government sanctioned the appointment of Mr. T. Ramaiya, B.A. (Hons.), Assistant to the Revenue Commissioner as Secretary of the Committee.

Procedure of the Committee.

5. The Committee met fourteen times in all. They held the first meeting on the 13th December 1932 in Bangalore and after a preliminary discussion regarding the scope of the terms of reference, they resolved that instead of issuing an elaborate questionnaire and examining witnesses in a formal manner, it was decidedly better to visit typical inam villages in the Bangalore, Kolar and Mysore Districts, as it would enable them to get a first-hand knowledge of the conditions of the tenants and their relations with the inamdars. Government sanctioned the Committee's proposal in order No. R. 4596-97—L. R. 469-31-13, dated 15th March 1933. The Committee accordingly visited a large number of inam villages of different types, settled and unsettled, well-managed and ill-managed, and also examined respectable witnesses, inamdars and tenants who offered to give evidence, in their sittings in Mysore, Bangalore, Bowringpet and Kolar Gold Fields. A brief summary of the itineration of the Committee, the opinions expressed by the important witnesses examined, and the discussions the Committee had with the inamdars and tenants has been separately submitted to Government. Among the villages visited, mention may be made of Thammadihalli in Chamrajnagar Taluk, Thandekere and Lakshmipura, Krishnarajapete Taluk, Varadenahalli, Malur Taluk, Kaggalipur, Bangalore Taluk, Urgahalli in Closepet Taluk, Uttanahalli, Mysore Taluk, Doddabagil in T.-Narsipur Taluk, Bellambore in Kolar Taluk and Nandagudi group in Hoskote Taluk. The following witnesses offered to give evidence and were examined by the Committee :—

1. Mr. Venkate Urs, tenant of Thammadihalli village in Chamrajnagar Taluk.
2. „ Venkataswami Iyer, inamdar of Kannagala, Chamrajnagar Taluk.
3. „ Subba Rao, jodidar of Volagere and Kanipura inam villages in Nanjangud Taluk.
4. „ M. K. Krishna Rao, inamdar of Thammadihalli and Padvanakodu Hosahalli, Chamrajnagar Taluk.
5. Mr. Subramanyaraj Urs, inamdar of Iggali, Nanjangud Taluk.
6. „ S. Krishnamachar, inamdar and Mr. Gopaliengar, tenant, of Uttanahalli village, Mysore Taluk.
7. *Rajasilpivisarada, Rao Bahadur* Mr. B. Subba Rao, retired Chief Engineer, inamdar of Lakshmipura village, Krishnarajpete Taluk.
8. Mr. K. Ramaswami, Public Prosecutor, Mysore, and Inamdar of Thandekere, Krishnarajpete Taluk.
9. Mr. H. Srinivasa Rao, Jodidar of Vardenahalli in Malur Taluk.
10. „ M. G. Shama Rao, Kayamguttadar of Garudapalya, Malur Taluk.
11. „ Ramachandrachar, Jodidar of Dibbur, Bowringpet Taluk.
12. „ Jayaramareddy, Kayamguttadar of Peelavaram and also an inamdar in British India.
13. „ N. Surappa, Secretary of the Inamdars' Association.
14. *Dharmaprakasa* Mr. B. V. Krishniengar of Bangalore.
15. Mr. Uragahalli Krishna Iyengar.

Disabilities of tenants and inamdars.

6. The main disabilities of the tenants that came to the notice of the Committee in the administration of the inam villages may now be enumerated. A sense of insecurity of tenure is felt by tenants. There was a general complaint that the inamdars were not keeping proper accounts, were not issuing *pattas*, and were not giving proper receipts for kandayam paid. In many villages, there were no shanbhogs and patels and in some instances, the shanbhogs were not on amicable terms with the inamdars. Some inamdars would be continuously absent from their villages, would allow arrears to accumulate for years, and then suddenly demand from the tenants the entire amount. In some villages, there was no assignment of gomal, the tanks were in a neglected condition, and remissions of assessment were not allowed by the inamdars as in Government villages. As in the case of many Government Villages, drinking water facilities, medical aid and good communications did not exist. On the other hand, the inamdars complained that the tenants were irregular in payment, took advantage of the absence of unanimity among the co-sharers, and that they were driven to the necessity of going to a Civil Court for the recovery of their dues.

Committee's recommendations.

7. The Committee have examined the existing law and standing orders on the subject, and after giving careful consideration to the problems before them and to the various suggestions that were made to them have resolved to make recommendations as in paragraph 36. They are aware that Government action or even legislation by itself may not avail to smoothen the relationship between an inamdar and his tenants unless there is mutual good-will between them. In making their recommendations, the Committee have considered the interests of the tenants as well as of the inamdars and they entertain the hope that the proposals now made will go far to improve the condition of the tenants *vis-a-vis* the inamdars.

Introduction of Survey and Settlement.

8. The chief points in respect of which the tenants in inam villages need protection are the uncertainty of demand and the uncertainty of tenure. The Committee consider that the compulsory introduction of Survey and Settlement into inam villages can no longer be deferred, and that if this is sanctioned, the relationship between the inamdar and the tenants will materially improve, to the permanent advantage of both. They are confirmed in this view by the fact that in their itineration, they found the administration generally satisfactory and the relationship between inamdars and tenants more harmonious in settled villages than in the unsettled ones. The idea of compulsory introduction of Survey and Settlement is not a new one. As stated in paragraph one of the report, it was urged in the Dasara Session of the Representative Assembly so far back as 1914 and it formed the very first term of reference to the Inam Commission appointed in 1918.

As a result of the recommendations of the Commission of 1918 and the orders passed by Government, the present law in this respect may be stated to be as follows:—

> Government can order introduction of Survey into all inam villages. But, as regards Settlement, the Government can compulsorily introduce it into any alienated or kayamgutta village on the application of holders of alienated land holding in the aggregate not less than half the shares in such village or on the application of tenants holding interest in not less than half the occupied lands, subject to such rules as the Government may frame in respect of the apportionment of the cost of the Survey and Settlement.
>
> Provided that when the application is by tenants, the Revenue Commissioner shall call upon the holder of the village to show cause why Settlement should not be introduced into the village, and on hearing his objections, if any, shall pass such orders as he deems fit. Within three months of the date of such order, an appeal may be preferred to the Government whose decision shall be final.

9. Prior to this amendment, the tenants had no voice in the matter of the introduction of Survey and Settlement and Government could not, except when the village was under their management, without the consent of the inamdars, introduce Survey and Settlement into an inam or kayamgutta village except to the extent required for fixing the boundaries of any such village or determining any disputes relating thereto.

10. Even with the extended scope of the above amendment, the progress cannot be said to be satisfactory. It has been found that the inamdars are generally averse to the introduction of Settlement, though it must be stated that the objection is wearing down and the representative of the Inamdars' Association distinctly told the Committee that the Association was in favour of the compulsory introduction of Settlement. Some of the inamdars seem to be under the misapprehension that Survey and Settlement would by itself give permanent occupancy rights to the tenants who did not possess them before and that the adoption of Settlement rates would diminish their income. This seems to be the general obstacle in the way of the rapid progress in the introduction of Survey and Settlement into inam villages. Of the total number of 2,098 inam and kayamgutta villages in the State, Settlement has been introduced into 547, and Survey into 144 villages in addition.

11. The Committee consider that the only satisfactory solution is to make the introduction of Survey and Settlement compulsory. At the same time, the Committee see the reasonableness of the demand that the total income of the inamdar from his permanent and kadim tenants in cash or in kind or both should not be reduced below what he was getting before the Settlement, and this has been approved by Government in their order of 1927.

12. This leads to the further question whether in order to secure the existing income of the inamdar, the maximum rate fixed for any particular class of land in a particular group could be exceeded. Mr. B. K. Garudachar was of opinion that there should be no objection to such a course and that whenever rates have to be fixed in an inam village at a rate higher than the maximum survey rates applicable, it may be done with the special sanction of Government. The Committee are, however, of opinion that the maximum survey rates should on no account be exceeded, as in practice, there is always a wide margin between the maximum and average rates applicable to a locality. The Committee also consider that the above concession in the rates in favour of the inamdar should be confined to the lands under cultivation at the time of Settlement, and that the batayi lands which may hereafter be taken up for cultivation should be assessed only at the Settlement rates of assessment prevailing in the locality.

13. The Committee have also considered the question of the distribution of the cost of operations. The rule as it now stands is that when Survey is taken up along with the Taluk, the cost is borne entirely by the Government, but when it is taken up on the motion of the inamdars independently of the Survey of the Taluk, half the cost is borne by Government, the other half being payable by the inamdar, who has also to bear the usual labour charges. (*Vide* paragraph 3 of the Government Order. No. R. 4306-26—L. R. 126-25-7, dated 22nd January 1927.) Even this half cost is waived if the inamdar applies for Settlement also. (*Vide* G. O. No. R. 2585-96—L. S. 49-26-8, dated 4th October 1929.) As regards the cost of Settlement, it is not levied when Settlement is made at the instance of the inamdars, but if it is introduced on the motion of the tenants, the cost has to be borne by them. Now that the introduction of the Survey and Settlement is to be made compulsory, the Committee consider it only fair that Government should bear the entire cost of the operations both of Survey and of Settlement. In the larger interests of the well-being of both inamdars and tenants which is a matter of intimate concern to Government, this expenditure would be amply justified. The incidental charges in respect of flagholders, etc., will, as usual, be borne by the inamdar and the villagers.

Definition of permanent tenancy under section 79, Land Revenue Code.

14. Closely connected with the question of Settlement is the nature of tenancy. The apprehension that the introduction of Settlement will by itself confer occupancy rights on the tenants is, as stated before, not correct. Government have specifically laid down in Order No. 3084—P. F. 101-93, dated 21st

August 1894 "that in introducing detailed Survey and Settlement into a Jodi village, the Survey Department merely registers the lands of the villages in the names of their present occupants. Whether the occupants are to be regarded as kadim raiyats or not is a matter on which the Settlement Department has no power to pass any order." This question formed the subject of considerable discussion by the Inam Commission of 1918. Formerly, the presumption as to permanent tenancy rested on rather vague considerations and the Commission of 1918 therefore suggested that in certain specific cases such a presumption should be legally raised. Their recommendation was accepted by Government and has now been embodied in the Land Revenue Code as explanation to section 79. The present Committee are of opinion that the period of 20 years mentioned in paragraph 4 of the explanation to section 79 may be changed to twelve years, as ordinarily uninterrupted possession of immoveable property for that period would raise under the general law a rebuttable presumption of title. If, therefore, a tenant has paid rent or kandayam at a uniform rate continuously for a period of 12 years, it will not be unfair to raise a presumption that his tenure is a permanent or kadim one. The Committee are glad to note that with the exception of one or two witnesses, *viz.*, Mr. M. G. Shama Rao and Mr. Ramachandrachar, no objection has been raised to this suggestion by the inamdar witnesses. Mr. N. Surappa, Secretary of the Inamdars' Association, was agreeable to the reduction of the period to twelve years, and even to six years on the condition that if the tenant did not pay rent for one year, he should lose the kadim tenancy right. Mr. Venkataswami Iyer of Chamarajnagar was not only agreeable to the reduction of the period to twelve years, but went further and stated that each raiyat in an inam village should be a kadim tenant just as a registered occupant in a Government village. Mr. Jayarama Reddy, Kayamguttadar of Peelavaram, stated that he had granted occupancy rights and permanent pattas to all his tenants both in Mysore and British villages.

Mr. Chandrasekhariah, a member of the Committee, was of opinion that questions relating to the nature of the tenancy should be enquired into and finally determined and recorded by the Survey Officer at the time of the introduction of the Settlement and that such record should be considered as presumptive evidence of permanent tenancy or otherwise. The other members of the Committee, however, felt that such a power involving a judicial decision of civil rights of parties should not be conferred on Survey Officers, as under the existing law, a separate forum and procedure have been prescribed for the determination of such controversies. The Committee have, however, no objection to a direction that the Settlement Officer shall make a list of all cases in which disputes are brought up before him as regards the kadim or permanent nature of the tenancy rights and to send the list to the Deputy Commissioners for necessary action under the Land Revenue Code.

Commission under section 99 and amendment to section 97 of the Land Revenue Code.

15. The above recommendations will definitely improve the position of the tenants in inam villages in various important respects. In order to further improve the position of the tenants, and in the interests of the inamdars also, the Committee feel that better facilities should be given to the latter for the collection of rents due to them and in this view, they recommend (1) that after the introduction of Survey and Settlement, Commissions under section 99, Land Revenue Code, may be granted more liberally to eligible inamdars, and (2) that the period of two years fixed in the proviso to section 97, Land Revenue Code, for recovery of rent or land revenue from tenants in an inam village by revenue processes should be raised to six years in cases in which the rent or land revenue is payable in cash, the existing provision remaining unaltered in the case of payment of rent in kind.

16. Under section 99, Land Revenue Code, it is lawful for Government at any time to issue a commission to any holder of alienated land conferring upon him all or any of the powers mentioned in that section, provided that the powers under clauses (c) to (f) shall not be conferred on holders of lands to which Survey Settlement has not been extended. This section also provides for the investment of holders of alienated villages with any of the powers of a Deputy Commissioner when such holder has, within 30 years before the passing of the Regulation,

regularly exercised corresponding powers. Additional instructions in the matter are contained in Article 178 of the Revenue Manual, Part I, under which certain limitations are imposed. For instance, the power to demand security (*i.e.*, clause (a) for payment of land revenue should not be generally conferred. The power to fix the khistbandi should not also be conferred and the imandar should be required to generally adhere to the usual khistbandi. In practice, all the applications for powers under section 99 are not sanctioned, because not only have the abovesaid conditions to be fulfilled, but also it is equally important to see that the persons aspiring to the exercise of the powers are sufficiently educated and possess at least a working knowledge of Revenue Law and Procedure. With the compulsory introduction of Survey and Settlement into all inam villages, these restrictions may be relaxed and the Committee considered that the grant of Commissions by Government should, therefore, be more liberal, provided the inamdar is otherwise eligible to exercise the powers.

17. The assistance to be rendered by a Revenue Officer to the superior holder for recovery of rent under section 97 is governed by the condition that an application for assistance should be made within two years from the end of the revenue year in which the said rent or land revenue becomes payable. The witnesses examined are almost all in favour of the liberalisation of this Section.

18. After a careful consideration of the matter, the Committee are of opinion that with the compulsory introduction of the settlement, and in view of the other recommendations which the Committee are making in favour of the tenants, there should be no objection whatever to give the inamdars the same right for the recovery of the arrears through revenue processes, as they now have in Civil Courts; that is to say, to enable them to recover all the six years' arrears through revenue agency.

Mr. Chandrasekhariah, though agreeable to the recovery of six years' arrears when any alienated village comes under the management of Government, does not think it desirable to extend the same concession when the villages are managed by the inamdars themselves; but, in view of the opinion expressed by other members, he does not wish to press his objection.

19. A necessary corollary of the above recommendation is that by the extension of time proposed for the recovery of the inamdars' dues through revenue processes, the Government will also be enabled when they take villages under Government management under section 119 (a) of the Land Revenue Code to collect arrears more easily. The Government Officers will thereby automatically have power to recover from the tenants summarily through revenue processes six years' dues instead of two years' arrears. At present, the Government Officers in such cases are at a serious disadvantage, and the raiyats of villages taken over under Government management under the above section (*e.g.*, Dodbagal village in T.-Narsipur Taluk) are simultaneously subjected to three different processes for recovery, *viz.*, by revenue officers through revenue agency for the collection of two years' dues, by the Revenue Officers through Civil Courts for more than two years' arrears, and again by the inamdars through Civil Courts for arrears that accrued prior to the assumption of management by Government. The worry and vexation to raiyats, and the delay and complexities in procedure will all be avoided if both the inamdars and the Government are given authority to recover six years' dues through revenue agency under section 97. Of course, the rights of parties to challenge the decision in a Civil Court will not be affected by the conferment of the powers proposed above.

Inamdars and Village Officers.

20. Another direction in which the tenants of inam villages have to be helped is in the compulsory appointment of Patels and Shanbhogs for each inam village and the maintenance of accounts as in Government villages. The existing provisions govering the appointment of village officers and prescribing the accounts to be compulsorily maintained by them and the mode of calculating their remuneration are contained in section 9 of the Village Offices Regulation, Rule 6 and 6 (a) of the Land Revenue Rules and Article 79 of the Revenue Manual, Part I. In the appointment of village officers, inamdars are bound by the same principles as would bind Government in regard to hereditary village servants in unalienated villages. Section 9 of the Village Offices Regulation has to be applied when there

is a vacancy in a hereditary office, but there is no provision anywhere making it obligatory that there should be a Shanbhog and a Patel in an inam village. The Committee have in their itineration come across a number of villages where there are no Shanbhogs or Patels, either because there is no hereditary officer for the village, or because the inamdar has not cared to appoint one. The result is that no regular Khate or Khirdi for the village is maintained for each year, the grant of receipts for payment is uncertain, and the position of the tenant in regard to the correct demand against him is one of insecurity. The Committee noticed a case in which collections were even now being made on an account written in the year *Sarvajit* that is, 47 years ago. They are therefore of opinion that the compulsory appointment of a Shanbhog and Patel to every alienated village should be enforced.

21. A question that arose in the course of the Committee's enquiries was whether in the case of the inamdar himself being the hereditary Shanbhog of the village, he should or should not be allowed to do the duties of the office. The Committee felt that the combination in one person of the position of inamdar and the office of Shanbhog was undesirable as his interest as an inamdar might possibly influence his actions as a Shanbhog in the compilation of the accounts, granting receipts for kandayam paid by tenants, etc., and for this reason they resolved that in cases where the inamdar happens to be also the hereditary Shanbhog, he should be disqualified from holding the latter office as long as he happens to be the inamdar—in other words, that his *hak* might be suspended and that a separate person who is not a member of the undivided family of the *hakdar* might be appointed to officiate. The *hak* need not be forfeited in such cases and if the disqualification ceases, the *hak* should revert. The Committee are also of opinion that where an inamdar is thus debarred from holding the Shanbhogi office, the *potgi* payable to the substitute should be borne by the Government. The Chairman is not satisfied about the propriety of this conclusion, but in veiw of the unanimous opinion of the other members, he does not wish to press his objection.

Accounts to be maintained.

22. As regards the accounts to be maintained by the Shanbhogs, the question came up before the Commission of 1918, but they did not consider it necessary to change the existing rules and left it to the discretion of the inamdar as before to maintain such accounts as suited his requirements. In view of the difficulties that are experienced by the tenants to know the correct demand and the difficulty of adjudication in the absence of full accounts, the Committee recommends that the Shanbhog in an inam village should be required to maintain, after the introduction of Survey and Settlement, all the accounts maintained in a Government village. The Committee noticed that in some villages, for example, those owned by Mr. Garudachar, a member of the Committee, and Mr. B. V. Krishna Iyengar, all the village accounts were being maintained exactly as in Government villages.

Potgi of Village Officers.

23. As regards the *potgi*, the remuneration in the case of a village which is unsettled is, according to the present rules, governed by usage, or in its absence, shall be fixed by the Deputy Commissioner at a reasonable amount not exceeding the remuneration payable in accordance with the scale sanctioned for Government villages. In villages into which Survey and Settlement have been introduced, the scale of remuneration is the same as that sanctioned for Government villages. The remuneration so fixed, if not voluntarily paid by the inamdar or other person bound to pay the same, can be recovered from him as an arrear of land revenue. The Commission of 1918 considered that there was no need to modify this rule. The present Committee have no alterations to suggest but would only recommend that in computing the *potgi* of the Shanbhog in an inam village the percentage calculation should be made on the assessment of lands already under cultivation, whether by the inamdar or the tenants.

24. The Committee recommend that if the inamdar makes other arrangements for collecting his dues, the Patel need not attend to the collectiou work, and his *potgi* need not be paid by the inamdar.

Jamabandy.

25. The next question considered by the Committee was whether there was need for an annual jamabandy by the inamdar. In view of the fact that if Survey and Settlement is compulsorily introduced, there would not be much variation in the demand from year to year, the Committee consider it unnecessary to insist on an annual jamabandy by the inamdar. But the inamdar should, be required to sent to the Taluk Office every year account No. IX in addition to accounts Nos. XIV and XV.

Khists.

26. The Committee also consider it necessary in the interests of both the inamdar and the tenants, that facilities should be afforded by the inamdar to his tenants to pay their Kandayam dues according to the prevailing khists as in Government villages. Under the existing law unless the inamdar is authorised by a commission under section 99, Land Revenue Code, to change the Khistbandi at his discretion *(vide* clause 'c'*)*, he is expected to follow the prevailing khists as in Government villages, and power under clause (c) is rarely conferred on an inamdar. Article 178 of the Revenue Manual, Part I, says "The power to change the khistbandi should not be conferred because the inamdar must adhere to the usual khistbandi; or, if he deems a change necessary, he must specify the khistbandi he would propose as reasonable, for the consideration and sanction of Government." Complaints were, however, received that the inamdars demand the full amount in one khist whenever they happen to go to the village. With the appointment of a Patel and a Shanbhog to every inam village, who would be on the spot, there should be no difficulty for the inamdar to make the collection in instalments according to the khistbandi.

Sale of inam villages for arrears.

27. On the other hand, the inamdars represented that an inam village should not be sold for the arrears of the current year's jodi till after the khist season, as the inamdars are expected to recover their rent only in instalments. The request seems reasonable and the Committee recommend that no inam village should be sold for the current year's jodi, etc., earlier than 1st June, though there should be no objection to the adoption of the preliminary coercive processes.

Agents in vritti villages.

28. An allied question is that of the appointment of agents for inam villages where there are several vrittidars or co-sharers. The old rules on the subject are contained in pages 374 and 375, Revenue Manual, Part I. According to them, the co-sharers have to appoint one of them or any other person as an agent to collect and to perform other acts on their behalf within one month after service of a notice upon them. If they fail to make the appointment within that time or such further time as the Deputy Commissioner may grant or if disputes and difficulties arise in the selection of a manager, the Deputy Commissioner is at liberty to nominate and appoint a manager, and he should, if necessary, determine the manner in which he should be remunerated—whether by a fixed salary or by a percentage computed on the annual income or net profits of the estate. The Commission of 1918, while retaining the main provisions, recommended that in making such appointment, the Deputy Commissioner may give preference to one of the vrittidars, failing which the Shanohog or the Patel may be made the manager if there be no serious objections. They also fixed the remuneration of the agent definitely at five per cent of the gross realisations of the village. These recommendations have been approved in their entirety by the Government in their Order of 2nd July 1925. After careful consideration, the Committee are of opinion that the existing rules are fair and sufficient, but that they require to be strictly enforced.

Remission Rules.

29. A real grievance of the tenants of inam villages is that they cannot obtain remission or abatement of revenue from the inamdars as in Government villages either on an account of failure of rains or of failure of irrigational facilities. At present, inamdars are under no obligation to grant remission of any kind

The recommendation made by the Commission of 1918 and approved by Government was that "on proof forthcoming of the inamdars granting remission of revenue in case of wide spread failure of crops on the analogy of Government granting remissions, they may be allowed proportionate remission of jodi payable by them." The recommendation therefore was in the nature of a relief to the inamdar who granted remission of his own accord but did not take note of the fact that the inamdar is generally disinclined to forego his demand and is rarely inclined to give any remission. The Committee therefore recommend that the rules regarding the grant of remission of half the wet assessment in the Government villages for failure of rains may be extended to the kadim or permanent tenants in inam villages also, the loss of revenue on account of remission being distributed between the Government and the inamdar in the proportion of jodi and jari. The procedure for grant of such remission should be the same as that prescribed for Government villages, that is to say, the Revenue officers should include inam villages in their itinerary, inspect the crops, the supply of water in the tanks, etc., check the pahanies or other accounts available and make recommendations on receipt of applications for relief from the raiyats. The step now recommended will give real relief to the kadim and permanent tenants in inam villages in times of distress inasmuch as they need only apply to the Amildar of the Taluk who, if satisfied that the tract fulfils the usual conditions for remission, will submit a report to the higher officers for the grant of necessary relief. The remission proposed cannot, of course, be extended to tenants-at-will.

Gomal.

30. The lack of sufficient gomal for the village cattle and their indiscriminate appropriation for cultivation is another hardship complained of by the tenants of some of the villages. The Committee are, however, of opinion that the resolution accepted by Government in paragraph 12 of their Order, dated 22nd January 1927 is sufficient. Before the Inam Commission of 1918, Government were not interfering with the Inamdars' powers to dispose of gomal or communal lands in inam villages. The Commission recommended that a sufficient extent of gomal calculated on the same basis as in Government villages should, in fairness, be allowed by the inamdars also in their villages. Government, accepting the recommendation of the Commission, ordered that the inamdar should not be allowed to dispose of the gomal or other communal lands without the approval of the Deputy Commissioner. The Inamdars' Association again urged that the interference of Government in this matter should be withdrawn. Government in pragraph 12 of their Order of 1927 refuced to modify their previous order, but added that the inamdar was at liberty to appeal to Government if he felt aggrieved by the order of the Deputy Commissioner on this subject. The Committee consider that the existing orders are quite fair both to the tenants and to the inamdars and do not require alteration. The introduction of Survey and Settlement will also automatically give relief to the raiyats if land is available for being set apart as gomal.

Restoration and Maintenance of tanks.

31. The neglected condition of irrigation works in inam villages is another source of hardship to the tenants. Till recently, the inamdars had no incentive to get these works restored and maintained in an efficient condition, as, unlike in Government villages, the entire cost of restoration and maintenance devolved on them, the tenants escaping responsibility altogether. In their Orders Nos. R. 28-48—L. R. 482-17-42, dated 2nd July 1925 and R. 4306-26—L. R. 126-25-7, dated 22nd January 1927, Government accepting in the main the recommendations of the Inam Commission of 1918, have held that the responsibility of inamdars and tenants should be enforced on the same principle as in Government villages, and that after the raiyats' share of the cost of restoration is deducted, the balance should be borne by the inamdar and the Government in the proportion of jodi and jari. The inamdars were also to be given the power of enforcing the responsibility of the raiyats for annual maintenance work. It was intended that legislation should be undertaken to give effect to these principles in so far as fresh legislation was necessary. But, unfortunately, the law has not been amended and in practice also, the orders of 1925 and 1927 have remained a dead letter. While a vigorous policy

of tank restoration in Sircar villages has been undertaken by Government during the last six or seven years, the tanks in inam villages have remained without improvement. The orders of Government referred to above seem to be fair and meet the requirements of both inamdars and tenants, and the present Committee therefore recommend that steps be taken to give immediate effect to the said orders, legislation being undertaken where necessary. If this is done, neither the inamdars nor the tenants will have any just grievance in respect of the restoration and maintenance of irrigation works.

Communications and other amenities.

32. In the course of their itineration, representations were made to the Committee by both the inamdars and the raiyats that inam villages were not well served with communications, were not given any share of the grant for public improvements like drinking water wells, etc., and that adequate medical and sanitary facilities were not provided. As a general rule, the condition of inam villages may be said to be not so good as that of Government villages, and the Committee therefore feel that as the different kinds of cesses are being recovered from the inamdars and tenants of inam villages, they are entitled to their proper quota of assistance from Government and District Boards in connection with the various schemes of rural improvement. The District Boards should be required to pay greater attention in respect of communications, drinking water wells and schools in inam villages. The Revenue Department may also be asked to take more interest in the development of Panchayets in inam villages.

Government Management of Inam Villages.

33. The second term of reference will now be taken up. This raises the question whether the existing powers for taking inam villages under Government management are sufficient or require to be extended. The subject came up for consideration before the Inam Commission of 1918, and as a result of their recommendations, Section 119 (a) has been added to the Land Revenue Code. As the law now stands, inam villages may be taken over under Government management under two sets of conditions, *viz.*, (1) under Sections 165 and 166 of the Land Revenue Code when revenues due to Government have fallen into arrears, and (2) under Section 199 (a) of the Code when mismanagement of the inam villages during the minority or unsoundness of mind of the inamdar has been proved. It follows therefore that neither the tenants nor the inamdars can ask for the villages being taken under Government management on grounds other than those covered by the Sections of the Code referred to above. The Committee consider that the existing provisions do not cover all cases of hardship. Want of harmony among the inamdars leads to the exploitation of the situation by the tenants and gross mismanagement by the former causes a situation justifying interference by Government in the interests of both inamdars and tenants. The testimony of both before the Committee was generally in favour of an extension of the existing provisions of law, and after considering all the opinions received by the Committee, they have resolved to recommend that the existing scope for taking over villages under Government management should be enlarged. Where kadim and permanent tenants holding not less than 30% of the occupied lands in an inam village apply to the Deputy Commissioner that the village should be taken over under Government management on account of disputes or misunderstandings between them and the inamdar, the Deputy Commissioner may be required to hold a formal enquiry, and if satisfied that it is necessary to so take the village, he should make a recommendation to Government. Again, where an inamdar or where the village is held in shares or *vrittis*, the sharers or *vrittidars* holding not less than 30 per cent of the lands in the village apply to the Deputy Commissioner that the village should be taken under Government management, on account of misunderstandings between them and their tenants, or on account of disputes among themselves, or for other valid reasons, the Deputy Commissioner may similarly hold a formal enquiry, and if satisfied that the village should be taken over, he should make a recommendation to Government. But, such management should not however be for a period less than eight years, and 9 per cent of the revenue of the village may be required to be paid by the inamdar to Government towards the cost of administration.

The Committee have fixed the above limit in respect of kadim tenants and co-sharers as it would be difficult to get a larger proportion of the tenants or *vrittidars* to join in an application and any concession extended would be a dead letter with a higher percentage. They have fixed the minimum period for taking under Government management at eight years, for the reason, that Government will not be in a position to bring order and systematise the administration of an inam village which has been previously badly managed, in a shorter period, and if Government management has to be beneficial at all, it must extend over a sufficiently long period. The Committee have fixed the charges for management at 9 per cent of the revenue of the village in order to discourage applications on inadequate grounds.

Powers of Government in an Inam Village under their management.

34. Closely allied to the above question is that of extended powers to Government officers when an inam village comes under Government management. Government have repeatedly pointed out that the management of an inam village is an important trust and that the Revenue officers should discharge to the best of their ability the trust imposed on them. The Committee notice that notwithstanding the best efforts made by the Revenue Officers, the collection in inam villages under Government management is not as satisfactory as could be desired. It is for this reason that the Committee feel that Government should have greater powers than under the existing rules in the matter of the collection of arrears. The subject has already been dealt with in paragraph 19 *supra*, and if the amendment therein proposed is sanctioned, the object in view will have been gained.

Cancellation of inam tenure and substitution of cash grant.

35. The third and last term of reference will now be taken up. This question arose out of the discussions in the Legislative Council on the Resolution brought forward by Mr. D. H. Chandrasekhariah. The Committee enquired of all the inamdar-witnesses who appeared before them whether they would agree to their rights as inamdars being acquired by Government and a fixed cash remuneration based on the net realisations of the village granted to them instead. Many of them were opposed to the proposal on the ground that it would affect their prestige and status with the tenants and the general public. But some of them chiefly those that were anxious to get rid of the worry, trouble and the inconvenience of management were quite prepared to approve of such a proposal. Inam villages have been granted by Sovereigns in the past to the family of the inamdars for some kind of meritorious work rendered by them either to the person of the Ruler or to the State or for military services or on account of some act of charity and so on. It is therefore only natural that some sentiment should attach to the position of an inamdar and that that position should carry some amount of prestige in public estimation. It seems therefore out of the question to make such acquisition compulsory. But, where the inamdar is agreeable, the Committee see no objection to power being taken by Government for acquiring such villages and extinguishing their inam tenure, and sanctioning an annual cash grant instead, calculated on the net realisations to the inamdar after making due allowance for prospective expansion of cultivation and revision of assessment at subsequent Settlements. In the case of such acquisitions, all *khas* lands standing in the name of the inamdar will continue in his name and he will have to pay assessment in respect of those lands to Government like any other raiyats holding lands in the village.

Summary of Recommendations.

36. The recommendations of the Committee will now be summarized :—

I. (i) *Survey and Settlement shall be compulsorily introduced into all inam villages to which they have not yet been introduced,* but subject to the condition that the total income of the inamdar from his tenants, permanent or kadim, in cash or in kind or in both, shall not be reduced below what he was getting before the Settlement. The rates of assessment should be so adjusted as to secure this result, provided that in no case shall the assessment fixed exceed the maximum rates fixed for dry, wet and garden lands in the group. All batayi lands shall

be assessed at the Settlement rates of assessment prevailing in the locality. (paragraphs 11 and 12).

(ii) As the introduction of Survey and Settlement will be made compulsory, Government should bear the entire cost of operations. The incidental charges for flag-holders, etc., will, as usual, be borne by the inamdar and the villagers (paragraph 13).

(iii) After the introduction of Survey and Settlement, Commissions under Section 99 of the Land Revenue Code, may be sanctioned more liberally to eligible inamdars (paragraph 18).

II. (i) *"Twelve years" may be substituted for "twenty years" in paragraph four of the explanation to* Section 79, Land Revenue Code, regarding presumption as to tenures (paragraph 14).

(ii) If disputes arise during Settlement as to whether a tenancy is of a kadim or permanent nature, the Settlement Officer should make a list of such cases and send them to the Deputy Commissioner for necessary action under the Land Revenue Code (paragraph 14).

III. (i) There should be Patels and Shanbhogs for all alienated and kayamgutta villages. The inamdar, if he also happens to be the *hakdar* should not officiate as the shanbhog as long as he continues to be inamdar. In such an event, a separate person who has no interest as inamdar and who is not a member of the undivided family of the *hakdar* should be appointed as shanbhog-gumasta, the potgi payable in respect of the office being paid by the Government. The shanbhog should, after Settlement, be required to maintain all the accounts maintained in Government villages (paragraphs 20, 21 and 22).

(ii) In computing the potgi of the Shanbhog, the percentage calculation should be made on the assessment of lands actually under cultivation, whether by the inamdar or tenants (paragraph 23).

(iii) If the inamdar makes other arrangements for collecting his dues, the patel need not attend to collection work (paragraph 24).

IV. There is no need for an annual Jamabandy by the inamdar but the inamdar should send to the Taluk Office every year Account No. IX, in addition to Account Nos. XIV and XV (paragraph 25).

V. With regard to gomal, the resolution accepted by Government in paragraph 12 of their Order No. R. 4306-26—L. R. 126-25-7, dated 22nd January 1927 may be given effect to (paragraph 30).

VI. In regard to the restoration of tanks in inam villages, *legislative provision should be made to give effect to paragraphs 2 (Point V) and 7 of Government Order* No. R. 21-48—L. R. 482-17-42, dated 2nd July 1925 and Government Order No. R. 4306-26—L. R. 126-25-7, dated 22nd January 1927, respectively, (paragraph 31).

VII. (i) The scope for taking over villages under Government management should be enlarged. Where Kadim and permanent tenants holding not less than 30 per cent of the occupied lands in an inam village apply to the Deputy Commissioner that the village should be taken under Government management on account of disputes or misunderstandings between them and the inamdar, the Deputy Commissioner shall hold a formal enquiry. If, after such enquiry, he is satisfied that it is necessary that the village should be taken under Government management, he shall make a recommendation to Government to that effect. Again, where an inamdar applies or where an inam village is held in shares or vrittis, and the sharers or vrittidars holding not less than 30 per cent of the extent of the village apply to the Deputy Commissioner that the village should be taken under Government management on account of misunderstandings between them and their tenants, or on account of disputes among themselves or for other valid reasons, the Deputy Commissioner shall hold a formal enquiry and if satisfied that the village should be taken under Government management, he shall make a recommendation to Government to that effect.

(ii) An Inam village shall not be taken under Government management for a period less than eight years, in the circumstances set forth in (i).

(iii) If an inam village is thus taken under Government management, nine per cent of the revenue of the village shall be paid by the inamdar to Government towards the cost of administration (paragraph 33).

VIII. (i) *The period of two years fixed in the* proviso to Section 97 of the Land Revenue Code for recovery of rent or land revenue from tenants in an inam village by revenue process *should be raised to six years in the case of* rent or land revenue payable in cash. In the case of rent or land revenue payable in kind, the existing provision may remain unaltered (paragraph 18).

(ii) If an alienated or kayamgutta village is taken under Government management, Government should be empowered to collect all recoverable arrears, *i. e.*, arrears not barred by limitation that were outstanding at the time when the village was taken under Government management, or which accrue subsequently by taking coercive processes as in Government villages (paragraph 19).

IX. *The rules regarding the grant of remission* of half wet assessment in Government villages for failure of rains *may be extended to kadim and permanent tenants* in inam villages also, the amount of remission being distributed between the Government and the inamdar in the proportion of jodi and jari. The procedure for the grant of such remissions shall be the same as that prescribed for Government villages (paragraph 29).

X. Whenever inamdars offer to relinquish their inam rights in any particular village on condition of receiving an annual cash grant calculated on the actual net realisations to the inamdar after making due allowances for prospective expansion of cultivation and revision of assessment at subsequent Settlements, *Government shall take power for acquiring such villages and for extinguishing the inam tenure of the village.* All *Khas* lands standing in the name of the inamdars will, however, continue in their name and the inamdars will pay assessment in respect of those lands to Government like other raiyats holding lands in the village (paragraph 35).

XI. The District Boards may be required to pay greater attention to the improvement of inam villages in respect of communications, drinking water wells, schools, etc., as local and other cesses are being recovered from the inam villages also (paragraph 32).

XII. Where there are several vrittidars or co-sharers in an inam village and the vrittidars or co-sharers fail to appoint an agent, the existing provision in regard to the Government appointing an agent shall be strictly enforced, with a view to the proper management of such village (paragraph 28).

XIII. Facilities should be afforded by the inamdars to the tenants of inam villages to pay their kandayam dues according to the prevailing khists as in the case of Government villages (paragraph 26).

XIV. No inam village shall be sold for arrears of the current year's revenue earlier than the first June, *i. e.*, till after the close of the khist season. But, there is no objection to taking the preliminary processes, such as the issue of demand notices, etc., as soon as the first khist of the jodi falls into arrears (paragraph 27).

Conclusion.

37. The Committee are glad that they are in a position to make a unanimous report to Government, although many points of difference arose in the course of their discussions. They wish to express their thanks to the gentlemen, inamdars and tenants, who readily responded to their notice and gave them helpful suggestions. The Committee are also indebted to Mr. S. N. Appanna Iyengar, Deputy Superintendent of Survey, who was the Secretary of the Committee at the earlier stages, and to Mr. T. Ramaiya, who succeeded him, for the zeal and enthusiasm with which they lightened the labours of the Committee and the valuable help rendered by them. The Committee wished to record their appreciation of the work done by the staff deputed for the purpose.

(Sd.) S. HIRIANNAIYA, (*Chairman*).
(Sd.) C. S. KUPPUSWAMIENGAR.
(Sd.) K. CHENGALARAYA REDDY.
(Sd.) D. H. CHANDRASEKHARAIYA.
(Sd.) K. V. ANANTARAMAN.
(Sd.) B. K. GARUDACHAR.
(Sd.) T. RAMAIYA (*Secretary*).

26th August 1933.